

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

v.

MERRILL LYNCH, PIERCE, FENNER &  
SMITH INC.; DEUTSCHE BANK  
SECURITIES INC.; GOLDMAN, SACHS &  
CO., INC.; J.P. MORGAN SECURITIES  
LLC; and RBS SECURITIES INC.,

Defendants.

No. 3:11-cv-30285-MAP

**DEFENDANT MERRILL LYNCH, PIERCE, FENNER & SMITH INC.'S**  
**LOCAL RULE 16.1(D)(3) CERTIFICATION**

The undersigned hereby certify, in accordance with Local Rule 16.1(D)(3), that we have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course—and various alternative courses—of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4.

Executed this 29<sup>th</sup> day of May, 2012.

/s/ Jill Fairbrother  
*on behalf of*  
MERRILL LYNCH, PIERCE, FENNER  
& SMITH INC.  
50 Rockefeller Plaza, NY1-050-07-01  
New York, NY 10020

/s/ Andrea J. Robinson  
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*Attorneys for defendant MERRILL LYNCH,  
PIERCE, FENNER & SMITH INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing on May 29, 2012.

/s/ Andrea J. Robinson  
Andrea J. Robinson